

The amount and substantiality of the portion used in relation to the copyrighted work as a whole, and

The effect of the use upon the potential market for or value of the copyrighted work.

"Fair Use" analysis is based on reasonable efforts by reasonable individuals and, as a result, is sometimes subjective. Educators enjoy some protection from infringement lawsuits because of Section 504(c) (2) of the Copyright Act. This protection is called "the good faith fair use defense" and is based on

Internet access, etc.) is responsible for adhering to all college policies and guidelines as well as all copyright and legal restrictions.

Central Alabama Community College has appointed Denita Pasley as the College Copyright Agent to receive notification of claimed infringement from a copyright owner as required by the Digital Millennium Copyright Act.

The 2002 Technology, Education and Copyright Harmonization (TEACH) Act updates U.S. Copyright law to extend privileges for legally using copyrighted materials with distance education technology and clarifies terms and conditions under which educational institutions can use copyrighted materials in an online educational format without permission from the copyright owner.

TEACH allows instructors and students at an accredited, nonprofit educational institution to transmit performances and displays of copyrighted works as part of a course if certain conditions are met. If these conditions are not or cannot be met, use of the material must qualify as fair use or permission from the copyright holder(s) must be obtained. The provisions of the TEACH Act require certain administrative and technological restrictions on the distribution of copyrighted materials as well as education of instructors and students in copyright requirements.

Some of the key elements of the TEACH Act include:

- Limit access to copyrighted works to only those students currently enrolled in the class;

- Limit access for the time needed to complete the class session or course;

- Inform instructors, students, and staff of copyright laws and policies;

court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

In addition, students found to be in violation of copyright laws will be disciplined in accordance with the College Student Code of Conduct found in the College catalog. Employees found to be in violation of copyright laws will be disciplined in accordance with the College Personnel Handbook.

Access to software tools provided by the College limits use to the students enrolled in the course, prevents downstream copying by those students, and prevents these students from retaining the works for longer than a class session

Notify students that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder through the posting of the message below on all distance education class sites:

Faculty members should be aware that students own the copyright to their work, including papers and assignments they have completed; therefore student works are protected by copyright regulations. Faculty should have written permission from the student copyright holder to use their works. Any student work that is to be placed on reserve must be accompanied by the written and signed permission of the student to do so (specifying name, contact information, title of item[s], statement giving permission, and dates included). However, materials used on any of the College course web sites or notes obtained from an instructor are only for the use of students enrolled in Central Alabama Community College for the purposes associated with the course and may not be retained, disseminated, or sold without permission of the Dean of Instruction/Designee.

Central Alabama Community College utilizes the following strategies to effectively combat copyright violations:

resources on the College website, College Catalog, and College Employee Handbook.

practi3es.